

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EDGAR CHAN-SOSA,
Plaintiff,

v.

CALIFORNIA HIGHWAY PATROL, et al.,
Defendants.

Case No. [15-cv-00008-SI](#)

**ORDER RE: HEARING ON MOTION
TO DISMISS**

Re: Dkt. No. 9

Before the Court is defendants' motion to dismiss plaintiff's complaint for failure to state a claim, currently set for argument on May 8, 2015. Docket No. 9. Defendants argue that (1) plaintiff's § 1983 claims against certain state entities should be dismissed with prejudice, and (2) plaintiff's claim for injunctive relief should be dismissed with prejudice for lack of Article III standing. Def. Mot. at 5-7. Plaintiff admits that defendants "ha[ve] pointed out several errors in th[ese] claims [as] set forth in the complaint," and therefore requests leave to amend. Pl. Opp'n at 7. The Court therefore DISMISSES these claims, with leave to amend.

The Court would like to focus the hearing on defendants' remaining argument: that Chan-Sosa's state law claims must be dismissed with prejudice for failure to file this action within six months of the denial of his government claim. Def. Mot. at 8-10. In addition to the arguments the parties have raised in their briefs, at the upcoming hearing, the parties should be prepared to discuss *Torres v. City of Santa Ana*, 108 F.3d 224 (9th Cir. 1997). In particular, the parties should address whether plaintiff's state law claims are related to the offense charged in the petitions for

1 revocation of probation. *See id.* at 228 (“Although the petition was *triggered* by the arrest upon
2 which Torres's civil complaint is based, it *relates* only to Torres's original conviction for
3 robbery.”) (emphasis in original).

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5 **IT IS SO ORDERED.**

6 Dated: May 3, 2015

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9 SUSAN ILLSTON
10 United States District Judge
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Northern District of California